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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 GARY EMMONS and CATHY  
9 EMMONS,

10 Plaintiffs,

11 v.

12 NATIONAL RAILROAD PASSENGER  
13 CORPORATION d/b/a AMTRAK,

14 Defendant.

CASE NO. C19-5534 BHS

ORDER GRANTING IN PART  
AND DENYING IN PART  
DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT AND TO  
SHOW CAUSE

15 This matter comes before the Court on Defendant National Railroad Passenger  
16 Corporation d/b/a Amtrak's ("Amtrak") motion for summary judgment on punitive  
17 damages and Consumer Protection Act ("CPA") claim. Dkt. 16.

18 On October 31, 2019, Amtrak filed the instant motion. *Id.* On November 18,  
19 2019, Plaintiffs Gary and Cathy Emmons responded. Dkt. 18. On November 22, 2019,  
20 Amtrak replied. Dkt. 20.

21 Upon review of the motion, the Court grants the motion in part and denies the  
22 motion in part on the same grounds and for the same reasons set forth in *Mitchem v. Nat'l*

1 *R.R. Passenger Corp.*, C18-5366-BHS, 2020 WL 91490 (W.D. Wash. Jan. 8, 2020) and  
2 related cases cited therein.

3       Regarding the remaining CPA claim, the Court will allow any party to show cause  
4 why the claim should not be severed and opened in a new case as was done in the related  
5 case of *Cottrell v. Nat'l R.R. Passenger Corp.*, C18-0072-BHS, Dkt. 53 (W.D. Wash.  
6 Feb. 26, 2020). Any response may be filed no later than March 6, 2020.

7       **IT IS SO ORDERED.**

8       Dated this 27th day of February, 2020.

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BENJAMIN H. SETTLE  
United States District Judge